

## **EXHIBIT B**

Volume I  
Pages: 1-18  
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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

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EDWINA BROOKE-PETIT \*  
Plaintiff \*

v. \*

\* DOCKET NUMBER MICV2006-04145

ROBERT SPAGNUOLO \*  
Defendant \*

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RULE 69 CONFERENCE  
BEFORE THE HONORABLE DENNIS J. CURRAN

APPEARANCES:

109 Highland Avenue  
Needham Heights, Massachusetts 02494  
By: Michael Magerer, Esq.

For the Defendant:  
175 Federal Street  
Boston, Massachusetts 02110  
By: Robert C. Gabler, Esq.

Woburn, Massachusetts  
August 24, 2010

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produced by Approved Court Transcriber, Donna Holmes

**I N D E X**

<b>WITNESS</b>	<b>DIRECT</b>	<b>CROSS</b>	<b>REDIRECT</b>	<b>RE CROSS</b>
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Testimony of Mr. Spagnuolo				
By the Court, page 3				
By Mr. Magerer, page 13				

**P R O C E E D I N G S**

(Court called to order.)

THE CLERK: Back on the record, your Honor.

THE COURT: All right.

All right. Mr. Spagnuolo is here. Ms. Edwina Brooke-Petit is here.

All right. We are going to conduct a Rule 69 hearing right now and put Mr. Spagnuolo on the witness stand.

Mr. Spagnuolo, would you come up, and we're going to determine what your assets are.

THE CLERK: Do I have to swear him in, your Honor?

THE COURT: That would be nice.

**ROBERT SPAGNUOLO, Sworn**

THE COURT: Mr. Spagnuolo, good afternoon.

MR. SPAGNUOLO: Good afternoon, Judge.

THE COURT: We have just seen a jury verdict in the amount of \$250,000 against you personally. Did you hear that verdict in Court?

MR. SPAGNUOLO: Yes, your Honor.

THE COURT: You also heard that there was a -- fraudulent conduct engaged in by you, did you hear that too?

MR. SPAGNUOLO: Yes. Yes.

THE COURT: All right. And do you know what the interest factor is on this verdict of \$250,000?

MR. SPAGNUOLO: No.

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1 THE COURT: All right. It's forty -- Martha, could you tell  
2 Court Officer Mulane to keep it down?

3 THE CLERK: Certainly.

4 THE COURT: It's \$112,500 for a total value in this jury  
5 verdict so far, \$362,000. Do you have that with you? Or do  
6 you have assets --

7 MR. SPAGNUOLO: Yeah, I have it in my pocket, your Honor.

8 THE COURT: Ha, ha. All right. How are you going to pay  
9 this?

10 MR. SPAGNUOLO: I can't pay it.

11 THE COURT: You can't pay it. Do you have a wallet?

12 MR. SPAGNUOLO: What's that?

13 THE COURT: Do you have a wallet?

14 MR. SPAGNUOLO: No.

15 THE COURT: You don't have a wallet?

16 MR. SPAGNUOLO: No. A wallet?

17 THE COURT: Yes.

18 MR. SPAGNUOLO: No, I don't.

19 THE COURT: What do you have on you, sir?

20 MR. SPAGNUOLO: Nothing.

21 THE COURT: You don't have anything on you? You have no  
22 money on you at all? Do you mind standing up, sir?

23 MR. SPAGNUOLO: Yeah.

24 THE COURT: Do you mind opening your pockets?

25 MR. SPAGNUOLO: Yeah, what do you want? My money?

1 THE COURT: I want you to put on the table what you have got  
2 for money.

3 MR. SPAGNUOLO: That's what I have.

4 THE COURT: Is that it?

5 MR. SPAGNUOLO: That's it, sir.

6 THE COURT: Okay. Anything else?

7 MR. SPAGNUOLO: No.

8 THE COURT: All right. And how much is that?

9 MR. SPAGNUOLO: I don't know.

10 THE COURT: Okay, less than twenty bucks? Okay. All right.

11 Where are your bank accounts, Mr. Spagnuolo?

12 MR. SPAGNUOLO: What?

13 THE COURT: Your bank accounts. What bank do you do banking  
14 at?

15 MR. SPAGNUOLO: Stoneham Savings.

16 THE COURT: Stoneham Savings. How many banks do you have --  
17 bank accounts do you have there?

18 MR. SPAGNUOLO: That's it.

19 THE COURT: Take a seat. Anywhere else?

20 MR. SPAGNUOLO: No.

21 THE COURT: All right. And how many -- you have one bank  
22 account there?

23 MR. SPAGNUOLO: Yes.

24 THE COURT: Do you have -- do you have a money market  
25 account?

1 MR. SPAGNUOLO: No.

2 THE COURT: Do you have a savings account there?

3 MR. SPAGNUOLO: No.

4 THE COURT: You just have a checking account?

5 MR. SPAGNUOLO: Yes.

6 THE COURT: And what property do you own, real property?

7 MR. SPAGNUOLO: I don't own any property, your Honor.

8 THE COURT: Nothing?

9 MR. SPAGNUOLO: No.

10 THE COURT: Are you a trustee of any property?

11 MR. SPAGNUOLO: I'm a trustee, that's it.

12 THE COURT: All right. Well, why don't you tell me, because  
13 we're on the record, and we are under oath, Mr. Spagnuolo.

14 I'd like to know what properties you are a trustee of?

15 MR. SPAGNUOLO: I'm a trustee of Stoneham Trust.

16 THE COURT: Where else?

17 MR. SPAGNUOLO: What's the name of the trust you're talking  
18 about?

19 THE COURT: I want to know what real property you have an  
20 interest in, either by beneficiary or by being a trustee.

21 MR. SPAGNUOLO: I'm a trustee. That's it.

22 THE COURT: And what property does the Stoneham Trust have  
23 an interest in?

24 MR. SPAGNUOLO: What property? 8 Concord Road.

25 THE COURT: 8 Concord Road.

1 MR. SPAGNUOLO: Yes.  
2 THE COURT: What else?  
3 MR. SPAGNUOLO: 50 No Margin.  
4 THE COURT: 15 what?  
5 MR. SPAGNUOLO: 50 No Margin:  
6 THE COURT: Could you spell that?  
7 MR. SPAGNUOLO: N-O-M-A-R-G-I-N. Street.  
8 THE COURT: Nomargin?  
9 MR. SPAGNUOLO: North Margin.  
10 THE COURT: Oh, North Margin.  
11 MR. SPAGNUOLO: Yeah.  
12 THE COURT: Okay. And what cities or towns are those two  
13 properties in?  
14 MR. SPAGNUOLO: Boston, Mass.  
15 THE COURT: For 8 Concord Road?  
16 MR. SPAGNUOLO: Stoneham, Mass..  
17 THE COURT: All right. What -- North Margin, where is that?  
18 MR. SPAGNUOLO: In Boston.  
19 THE COURT: East Boston or the north end?  
20 MR. SPAGNUOLO: No, north end.  
21 THE COURT: North end. And what's the assessed value on that  
22 property? Come on?  
23 MR. SPAGNUOLO: Probably a million.  
24 THE COURT: A million. And how about 8 Concord Road? What's  
25 the assessed value on that?



1 MR. SPAGNUOLO: Probably 650.

2 THE COURT: 650. Are you a beneficiary of either of these  
3 properties?

4 MR. SPAGNUOLO: No.

5 THE COURT: Do you have a trust document?

6 MR. SPAGNUOLO: I don't have it with me.

7 THE COURT: Okay. Are you going to get it for us?

8 MR. SPAGNUOLO: If you want them, I'll get them for you.

9 THE COURT: Yes, this is not an idle question, sir. I want  
10 them by tomorrow morning at nine o'clock.

11 Are you a beneficiary of any real estate trust?

12 MR. SPAGNUOLO: No, sir.

13 THE COURT: Are you sure of that?

14 MR. SPAGNUOLO: I'm positive.

15 THE COURT: Okay. What credit cards do you have?

16 MR. SPAGNUOLO: I don't have any at all.

17 THE COURT: No credit cards at all?

18 MR. SPAGNUOLO: I've got American Express.

19 THE COURT: Oh, you do have an American Express.

20 MR. SPAGNUOLO: Yes.

21 THE COURT: So that's a credit card, right? Or a charge card  
22 I suppose?

23 MR. SPAGNUOLO: Yeah.

24 THE COURT: All right. Do you have that card with you today?

25 MR. SPAGNUOLO: No.

1 THE COURT: Is it in your car?

2 MR. SPAGNUOLO: No, sir.

3 THE COURT: Did you leave your wallet in your car, sir?

4 MR. SPAGNUOLO: I never carry a wallet, your Honor.

5 THE COURT: Okay. All right. You agree to provide your

6 American Express card number to Mr. Magerer?

7 MR. SPAGNUOLO: Yes.

8 THE COURT: Okay. What cars do you have an interest in?

9 MR. SPAGNUOLO: Cars?

10 THE COURT: Cars.

11 MR. SPAGNUOLO: Driving you mean, driving cars? Passenger  
12 cars?

13 THE COURT: Is there any other kind of car?

14 MR. SPAGNUOLO: Passenger. I got a Navigator.

15 THE COURT: A Navigator.

16 MR. SPAGNUOLO: Yes.

17 THE COURT: Is that a Lincoln Continental?

18 MR. SPAGNUOLO: Yes.

19 THE COURT: A Lincoln. Is it out here in the parking lot?

20 MR. SPAGNUOLO: Yes.

21 THE COURT: Okay. And is there any reason why I shouldn't  
22 turn that right over to Ms. Petit-Brooke -- Brooke-Petit?

23 MR. SPAGNUOLO: She can have it if she wants it.

24 THE COURT: All right. Fair enough.

25 MR. SPAGNUOLO: I owe money on it.

1 THE COURT: Turn it over to her as soon as you leave the  
2 courtroom. Give her the keys, get your stuff out of it. It's  
3 hers. Any car loans?

4 MR. SPAGNUOLO: Yes.

5 THE COURT: All right. Other than the Navigator, any car  
6 loans?

7 MR. SPAGNUOLO: A truck loan.

8 THE COURT: A truck loan. And what is the truck that you  
9 own?

10 MR. SPAGNUOLO: It's a Ford.

11 THE COURT: A Ford. What year is it?

12 MR. SPAGNUOLO: It's a 2007.

13 THE COURT: Is there any lien on it?

14 MR. SPAGNUOLO: Yes.

15 THE COURT: Okay. Do you want to share with me what the lien  
16 is?

17 MR. SPAGNUOLO: I think \$20,000.

18 THE COURT: \$20,000. What's the value of it?

19 MR. SPAGNUOLO: Probably \$20,000, your Honor. I don't know.

20 THE COURT: When was the last time you filed Federal taxes?

21 MR. SPAGNUOLO: Last year.

22 THE COURT: Okay. You're going to get those tax returns to  
23 Mr. Magerer for the last five years.

24 MR. SPAGNUOLO: Yes.

25 THE COURT: All right. Get it? All right.

1 Do you have cable television?  
2 MR. SPAGNUOLO: Yes.  
3 THE COURT: And who is your carrier?  
4 MR. SPAGNUOLO: Comcast.  
5 THE COURT: Comcast. And what package do you have?  
6 MR. SPAGNUOLO: Standard package.  
7 THE COURT: And how much do you pay a month?  
8 MR. SPAGNUOLO: Eighty something dollars I think.  
9 THE COURT: Eighty a month? Do you have a computer at home?  
10 MR. SPAGNUOLO: I don't use it. I do have one though.  
11 THE COURT: Okay. What kind is it?  
12 MR. SPAGNUOLO: I don't even know.  
13 THE COURT: You don't use it at all?  
14 MR. SPAGNUOLO: I don't use the computer.  
15 THE COURT: Okay. And do you have a cell phone?  
16 MR. SPAGNUOLO: Yes.  
17 THE COURT: With what company?  
18 MR. SPAGNUOLO: Nextel.  
19 THE COURT: What's your telephone number, please?  
20 MR. SPAGNUOLO: It's not mine though, your Honor.  
21 THE COURT: What is the telephone number that you use when  
22 you --  
23 MR. SPAGNUOLO: 781-589-6141.  
24 THE COURT: All right. Is there any other real property that  
25 you have an interest in of any kind either --

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1 MR. SPAGNUOLO: I have no interest in none of them. No.

2 THE COURT: As a trustee of Stoneham Trust, you don't -- and  
3 other than those two properties, real -- 8 Concord Road in  
4 Stoneham, and 5 North Margin in the north end, no other  
5 properties that your --

6 MR. SPAGNUOLO: 52 Beech Street Account Trust.

7 THE COURT: 52 what?

8 MR. SPAGNUOLO: Beech Street.

9 THE COURT: B-E-E-C-H?

10 MR. SPAGNUOLO: Yes.

11 THE COURT: And where is that?

12 MR. SPAGNUOLO: That's in Wareham.

13 THE COURT: Wareham. And what property does that trust own?

14 MR. SPAGNUOLO: Say that again, sir?

15 THE COURT: What property does that trust own? Is there a  
16 trust on that or is it --

17 MR. SPAGNUOLO: It's a trust.

18 THE COURT: And what's the name of the trust, 52 Beech  
19 Street?

20 MR. SPAGNUOLO: I'm pretty sure, yes.

21 THE COURT: And is there a trust document on that?

22 MR. SPAGNUOLO: Yes.

23 THE COURT: And are you beneficiary of that as well?

24 MR. SPAGNUOLO: No.

25 THE COURT: Okay. Are you beneficiary of any trust?

1 MR. SPAGNUOLO: No.

2 THE COURT: Is there any other trust that's been established  
3 for your benefit?

4 MR. SPAGNUOLO: No.

5 THE COURT: Any other trust in which you have an interest?

6 MR. SPAGNUOLO: No.

7 THE COURT: Okay. All right.

8 Mr. Magerer, any questions? This is the first of a series  
9 probably of depositions as to assets. Understood?

10 MR. MAGERER: Yes, Judge.

11 THE COURT: This is just the beginning round, okay. So  
12 don't feel constrained, but we need to establish what -- what  
13 Mr. Spagnuolo is going to do to satisfy this judgment.

14 Go ahead.

15 MR. MAGERER: Should I address Mr. Spagnuolo, your Honor?

16 **EXAMINATION OF ROBERT SPAGNUOLO**

17 **BY MR. MAGERER:**

18 MR. MAGERER: Mr. Spagnuolo, do you currently have any  
19 investments in the form of securities or stocks or bonds?

20 MR. SPAGNUOLO: No.

21 MR. MAGERER: And do you currently own or maintain any  
22 collections such as coin collections, gun collections, stamp  
23 collections, or anything of value such as that?

24 MR. SPAGNUOLO: No.

25 MR. MAGERER: And do you have -- do you currently have any

1 ownership interest meaning owning any stock or any units in  
2 what might be referred to as a corporation or an LLC, a  
3 limited liability company, or any type of limited partnership  
4 or partnership?

5 MR. SPAGNUOLO: No. I have my own liability company. My  
6 company is an LLC.

7 MR. MAGERER: And what's the name of your LLC?

8 MR. SPAGNUOLO: Spagnuolo Construction LLC.

9 MR. MAGERER: And, Mr. Spagnuolo, do you have any  
10 investments outside of the country, whether that be real  
11 estate or any other type of personal property or assets?

12 MR. SPAGNUOLO: No.

13 MR. MAGERER: Your Honor, at this time, other than the other  
14 basic questions that you asked, off the top of my head, I'm  
15 not sure what else I can ask that would be --

16 THE COURT: All right. So, this is what I'm looking for.  
17 Mr. Spagnuolo will turn the keys over to that Lincoln  
18 Navigator and he can get a ride with -- with counsel or some  
19 other means of getting home tonight. But that Navigator is  
20 turned over forthwith, understood?

21 MR. SPAGNUOLO: I don't own it, your Honor.

22 THE COURT: Fair enough. Then just turn it over.

23 MR. SPAGNUOLO: I will, but I don't own it.

24 THE COURT: Who owns it?

25 MR. SPAGNUOLO: The bank owns it.

1 THE COURT: Turn it over, we'll figure it out.

2 MR. SPAGNUOLO: All right.

3 THE COURT: I -- I want to see a writ of attachment as to  
4 any personal property that Mr. Spagnuolo has, and any trustee  
5 process as to any bank accounts that he's got.

6 I also want to see five years of tax returns turned over to  
7 Mr. -- Mr. Magerer by the end of the week.

8 If there are any other assets that you can think of that  
9 you, you know, that you may have forgotten this afternoon, I  
10 am going to order that you promptly notify Mr. Magerer through  
11 counsel. Understood?

12 MR. SPAGNUOLO: Yes.

13 THE COURT: Okay. Okay, because we want this judgment  
14 satisfied. We don't want people, you know, walking away from  
15 them and thinking that because, you know, they could declare  
16 bankruptcy, or some people think that they could, they're  
17 going to get away from it. But this is a fraudulent finding  
18 by the jury, do you understand that?

19 MR. SPAGNUOLO: Yes.

20 THE COURT: It's not protected by bankruptcy. Are we all on  
21 the same page?

22 MR. SPAGNUOLO: Yes.

23 THE COURT: Okay. Very good.

24 Mr. Magerer, I would suggest that you proceed with counsel  
25 to get a date for Mr. -- a continued deposition of Mr. -- Mr.



1 Spagnuolo. Okay.

2 MR. MAGERER: I will do that, your Honor.

3 Your Honor, may I ask a question on the 93A finding in  
4 terms of submitting to you a request for attorney's fees. May  
5 I have a week or so to do that?

6 THE COURT: They found no -- let's -- let's -- I would focus  
7 on the collection aspects before you start talking about the  
8 money. You're not going to get any -- if you put your -- do  
9 whatever you want. Yeah, you can have a month, I don't care.  
10 But I would focus on the collection efforts and forget about  
11 the 93A for the time being.

12 MR. MAGERER: I will take --

13 THE COURT: Because there is going to be nothing left by the  
14 time you get around to drafting your 93A Petition.

15 MR. MAGERER: I will take your advice, your Honor.

16 THE COURT: All right. Do whatever you want.

17 Mr. Spagnuolo, thank you very much.

18 Mr. Gabler, it's been a pleasure to work with both of you.

19 MR. GABLER: Thank you.

20 Your Honor, may I just get clarification on one thing. You  
21 said turn over trust documents. Did you say by nine o'clock  
22 tomorrow morning?

23 THE COURT: No, no, no, no. I'll give him to the end of the  
24 week on the trust documents.

25 MR. GABLER: And would they -- they would go to Mr. Magerer?

1 THE COURT: They go to you through -- to -- to you -- to  
2 him through you. Okay.

3 MR. GABLER: To Mr. Magerer through me.

4 THE COURT: Right. Any bank accounts, any tax returns for  
5 the last five years, any mortgage applications, any car loans,  
6 any car registrations, any photocopies of credit or charge  
7 cards, American Express or for whatever, they go back to Mr.  
8 Magerer as soon as possible. And trust documents as well. And  
9 in the meantime, I'm making a specific order, clear and  
10 unequivocal, so that everybody understands, Mr. Spagnuolo was  
11 not to make one, not one cent of transfer from any bank  
12 account, credit charge, or any sort of depository in which he  
13 has an interest until further order of the Court. If he does,  
14 he's in violation of this order. Okay. Until we can sort this  
15 out.

16 Thank you very much.

17 MR. MAGERER: Thank you, your Honor.  
18  
19  
20  
21  
22  
23  
24  
25

(Adjourned)

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ADMINISTRATIVE OFFICE OF THE TRIAL COURT  
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JUDGE: Dennis J. Curran RECORDING DATE: 8-24-10  
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I, Donna Holmes, further certify that I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

  
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<p><b>J</b></p>	<p><b>M</b></p>	<p><b>O</b></p>	<p><b>Q</b></p>
<p><b>K</b></p>	<p><b>M</b></p>	<p><b>O</b></p>	<p><b>Q</b></p>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN RE:

ROBERT E. SPAGNUOLO, JR.,  
DEBTOR

CHAPTER 7  
CASE NO. 11-10844-JNF

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion for Relief from Stay was day sent, by first class mail, postage prepaid or through the Court's ECF system to the following and those on the attached list.

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